

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ADVANCE CELLULAR SYSTEMS, INC.

Plaintiff

v.

Civil No. 97-2511 (JAF)

PUERTO RICO TELEPHONE COMPANY,
Inc.

Defendant

INFORMATIVE MOTION

TO THE HONORABLE COURT:

COMES NOW, the defendant Puerto Rico Telephone Company (D/B/A Verizon Wireless or PRTC), through its undersigned counsel, informs as follows:

PRTC brings to the court's attention the published decision by the First Circuit in the related case of In re ACS v. PRTC, No.06-1332. In that proceeding in the Bankruptcy Court, PRTC seeks to collect on its proof of claim monies due by ACS for unpaid charges for airtime usage of cellular services. Both the Bankruptcy Court (Lamoutte, J.) and the District Court (Casellas, J.) disallowed PRTC's proof of claim in its entirety holding

that PRTC had unreasonably denied ACS credits for fraudulent use or cloning of the cellular service.

In a published opinion entered on March 28, 2007, the First Circuit reversed both the Bankruptcy and District Courts and held that the governing tariff clearly made plaintiff-debtor ACS solely liable for losses caused by cellular fraud and concluded that the courts had erroneously deducted the sum of \$1,334,204.62 from PRTC's proof of claim. In re Advanced Cellular Systems, ___ F.3d___, slip op. at 12 (1st Cir. March 28, 2007) (Exh.). The Court of Appeals vacated the Judgment and remanded the case to the District Court in Civ. No. 02-1908 (SEC) for a determination of amounts due PRTC on its proof of claim. Id.; Judgment (Exh.).

WHEREFORE, this court should take judicial notice of the decision of the Court of Appeals.

Respectfully Submitted.

In San Juan, Puerto Rico, this 31st day of March 2007.

CERTIFICATION: Today we electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to plaintiff's counsel Zuleika Llovett and Jairo Mellado, Esq.

CASELLAS ALCOVER & BURGOS, P.S.C.
Ricardo F. Casellas, Esq.
USDCT No. 203114
Counsel of Verizon Wireless
Suite 1400, Banco Popular Center
208 Ponce de Leon Avenue
Hato Rey, Puerto Rico 00918
P.O. Box 364924
San Juan, Puerto Rico 00936-4924
Tel. (787) 402-0747
rcasellas@cabprlaw.com
s/Ricardo F. Casellas
USDCT No. 203114